IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 1846 of 2005

Between:

Syed Ahmed S/o. Syed Fakruddin,
R/o. 18-1-554/41, Sadatnagar, Kandikalgate,
Hyderabad.

..... PETITIONER

AND

1 The Deputy Commissioner of Police, South Zone, Hyderabad.
2 The Inspector of Police, Kanchanbagh, Hyderabad.
3 Liaqat S/o. Not known to the petitioner,
R/o. H.No. 18-12-419/A/446, Hafeez Baba Nagar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the respondent Nos. 1 and 2 in not taking any action against the 3rd respondent pursuant to the complaint lodged by the petitioner dt. 30-12-2004 as arbitrary, unjust and violative of Articles 19 and 21 of the Constitution of India, and consequently direct the Respondent Nos. 1 and 2 herein to take immediate action on the complaint lodged by the petitioner dt. 30-12-2004, and to pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.M.LAYEEQ KHAN

Counsel for the Respondent No.: GP FOR HOME

The Court at the stage of admission made the following ORDER:

The grievance of the petitioner is that though he submitted a complaint on 30.12.2004 before the second respondent alleging certain criminal acts on the part of the third respondent, no action has been taken thereon. Narrating the circumstances that lead to the filing of the complaint, the petitioner seeks directions to respondents 1 and 2 for initiating necessary steps.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

The grievance of the petitioner is about the alleged inaction on the part of respondents 1 and 2 in taking action against the third respondent on the basis of a complaint dated 30.12.2004. Even if the allegation is true, it is not as if he is without any remedy. In case, the police fail to take steps on a complaint submitted by a citizen, it is open for such an aggrieved party to approach the Magistrate concerned by filing a complaint under Section 200 Cr.P.C.

Hence, the writ petition is disposed of, leaving it open to the petitioner to approach the Magistrate concerned, with a complaint under Section 200 Cr.P.C. As and when such complaint is filed, the leaned Magistrate shall take appropriate steps in accordance with law. There shall be no order as to costs.

08.02.2005

ksld

To

1 The Deputy Commissioner of Police, South Zone, Hyderabad.
2 The Inspector of Police, Kanchanbagh, Hyderabad.
3 Two CCs. to the G.P. for Home, High Court of A.P., Hyderabad, (OUT).

4 Two CD copies.